REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 21 and 50 are currently being cancelled.

Claims 1, 11, 19, 20, 22-40 and 49 are currently being amended.

Claim 53 is currently being added.

This amendment adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 1-5, 10-13, 19, 20, 22-40, 49 and 50-53 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-5, 10-13, 19-40 and 49-52 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0032754 to Longston et al. This rejection is traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 now recites, among other things:

wherein the report includes information concerning characteristics of the server, network characteristics linking the server and the client devices, characteristics of the client devices, and characteristics of any intermediary devices in a network path between the client devices and the server.

See, for example, page 28, lines 13-25 of the specification. The inclusion of such network information in a report that also contains data related to delivery context aware requests is not disclosed or suggested by Longston, which is directed to merely updating information at a server when client device configurations change.

Accordingly, presently pending independent claim 1 is not anticipated by Longston.

In its rejection of dependent claim 11, the Office Action asserts that paragraph 0052 of Longston teaches the features recited in that claim. Applicant respectfully disagrees. Namely, claim 11 recites that a cache reference profile memory is modified in response to an assessment of delivery context aware activity involving a server, to thereby change data stored in the cache reference profile memory that is directly accessible by the server. Turning now to paragraph 0052 of Longston, that portion of Longston describes that an SMS monitoring DASP reports to a DAB database every time it modifies or removes a client device record from a system profile, so as to reduce redundant data storage and maintenance. This updating of client device records says nothing about data stored in a cache memory that is accessible by a server, to thereby allow the server to handle requests sent to it in a faster manner than if such data was stored in a slower, main memory.

Accordingly, claim 11 is not anticipated by Longston for these additional reasons.

With respect to independent claim 49, that claim recites, among other things:

computer program product causes said processed acquired data to be transmitted out of a network port of the server proactively, without an input trigger signal from outside of the server. (emphasis added).

Paragraphs 0048 and 0049 of Longston describe dynamic configuration of a slave server portion dependent on required functionality and available resources, as well as requirements of a master server portion, whereby the functionality can be selectively downloaded to a thinner slave from the master for load balancing purposes. This dynamic configuration of a slave server portion as described in Longston does require an input trigger signal to initiate the dynamic reconfiguration, and thus it does not meet the specific features

recited in claim 49. Paragraph 0062 of Longston describes that a DACP makes a determination as to whether it needs to make an immediate configuration parameter or setup changes, whereby the DACP may send client device configuration information back to a DASP if desired. This portion of Longston also does not disclose or suggest that information is output without the need of an input trigger signal.

Accordingly, independent claim 49 is not anticipated by Longston.

Presently pending independent claim 19 has been amended to include the features discussed above with respect to independent claim 49, whereby presently pending independent claim 19 is not anticipated by Longston for similar reasons as given above.

With respect to independent claims 51 and 52, those claims recite that the report includes, among other things:

(iii)   network transmission and/or data-presentation characteristics of an intermediary device in said network disposed in a communication pathway between said client device and said resource server;

(iv)   the characteristics of settings of configurable settings of the server, or client device, or an intermediary device in a communication pathway in the network between the resource server and the client device.

The inclusion of such information in a report is not disclosed or suggested by Longston. Rather, paragraphs 0046 to 0049 of Longston describe master and slave server configurations, which has nothing to do with the specific features highlighted above. Paragraph 0062 of Longston describes the storing of configuration information from client devices, whereby this has nothing to do with the specific features highlighted above. Paragraphs 0081 and 0082 of Longston describe a profiling entity, and whereby a DASP stores results of performance tests over time to calculate statistics based thereon. Again, this has nothing to do with the specific features highlighted above.

Therefore, independent claims 51 and 52 are not anticipated by Longston.

New Claims:

New claim 53 has been added to recite features directed to changing a size of a cache memory, as described on page 39, lines 19-27 of the specification.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date _August 11, 2008_   By _Phillip J. Articola_

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